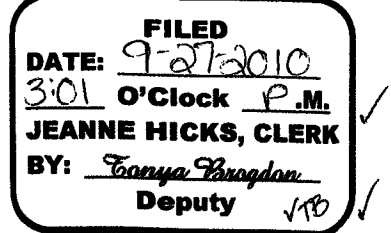


IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION PTB
HON. WARREN R. DARROW
CASE NO. V1300CR20081339

JEANNE HICKS, CLERK
BY: Tonya Brogdon/Rhondi Hagen, Deputy Clerk
DATE: September 27, 2010

TITLE:
STATE OF ARIZONA,

(Plaintiff)

COUNSEL:
Joseph C. Butner III, Esq.
Jeffrey Paupore, Esq.
Deputy Yavapai County Attorneys,
(For Plaintiff)

VS.

STEVEN CARROLL DEMOCKER,

John M. Sears, Esq.
107 N. Cortez St., Suite 104
Prescott, AZ 86301-3000,

(Defendant)

Larry A. Hammond, Esq.
Anne M. Chapman, Attorney at Law
OSBORN MALEDON, P.A.
2929 N. Central Ave., 21st Fl.
Phoenix, Arizona 85012,
(For Defendant)

HEARING ON:
MOTION TO DISMISS (SEALED
PROCEEDING)

NATURE OF PROCEEDINGS

COURT REPORTER
Mina Hunt

START TIME: 2:06 p.m

APPEARANCES: Joseph Butner, Deputy County Attorney
Jeffrey Paupore, Deputy County Attorney
Steven Carroll DeMocker, Defendant, in custody
John Sears, Counsel for Defendant
Anne Chapman, Co-Counsel for Defendant
Larry Hammond, Co-Counsel for Defendant
Christopher DuPont, Counsel for Victims, (telephonically)

Defense Counsel Hammond requests that the case be dismissed with prejudice and that the jury be dismissed tomorrow. Counsel argues his position in the matter.

Counsel Butner objects to the dismissal of the case and argues the State's position. Further, Counsel requests the County Attorney's Office not be removed and disqualified from this case as there have not been any violations of the Defendant's 6th amendment rights in this case.

Based upon discussion with Counsel, the Court does not find authority to dismiss at this time.

Court and Counsel discuss the issue of [REDACTED] and potential conflict between Defendant and his Counsel. Defense Counsel does not believe they can proceed as long as there is this type of potential conflict.

The Court will not dismiss this matter with or without prejudice at this time.

Defense Counsel Hammond moves for withdrawal of all Counsel under Ethical Rule 1.7 as Counsel is unable to provide undivided representation as required therein. In addition, Counsel moves the Court to declare a mistrial

Counsel for State does not take a position in terms of the Motion to withdraw but opposes a mistrial being declared.

IT IS ORDERED taking the Motion for Mistrial under advisement. The Court will not have the jury come in tomorrow.

IT IS FURTHER ORDERED setting a hearing with Defendant and Counsel on September 28, 2010 at 10:00 a.m. in the Division 6 courtroom in Prescott.

END TIME: 3:01 p.m.

cc:

Division 6 (Hearing set + issue under advisement)

Victim Services

Christopher DuPont, Esq., Trautman DuPont PLC, 245 W. Roosevelt, Ste. A., Phoenix, AZ 85003 (Counsel for Victims Charlotte and Katherine DeMocker)

John Napper, (Counsel for witness Renee Girard)

Clerk's Office, Customer Service Supervisor – Prescott

Dean Trebesch (Contract Administrator) (PD)

YCSO – Detention Records